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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,170	06/27/2001	James S.L. Chen	50037.11US01	4518
7590 08/08/2005			EXAMINER	
Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903			LIN, WEN TAI	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/893,170

Applicant(s)

CHEN ET AL.

Examiner

Wen-Tai Lin

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-22 are presented for examination.
2. The text of those sections of Title 35, USC code not included in this action can be found in the prior Office Action.

Claim Rejections - 35 USC § 102

3. Claims 1-5, 12, 19 and 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Kloba et al.[U.S. Pat. No. 6341316].
4. Kloba was cited in the previous office action.
5. As to claim 1, Kloba teaches the invention as claimed including: a computer-implemented method for recovering from a failed synchronization session between a mobile device [Abstract; 106A, 106B, Fig.1A] and a server [e.g., 128A, Fig.1A], comprising:
 - a) receiving a client request for a synchronization session [170A, 170B, Fig.1H1];
 - b) determining whether a prior synchronization session failed [170D, Fig.1H1];

and c) if the prior synchronization session failed [170F – 170H, Fig.1H1; 170I-170L, Fig.1H2; Fig.63B],

1) creating a server request based on the client request and on a synchronization state associated with the failed prior synchronization session so that duplicate objects are not created in the server when the mobile device and the server become synchronized [170G-170H, Fig.1H1; col.25, lines 12-17; col.37, lines 11-27; note that it is inherent that when two devices (i.e., the mobile device and the server) are synchronized, no duplicate objects would appear on either side of the device];

2) sending the server request to the server for processing;

3) receiving a server response from the server based on the processing of the server request at the server [172C-172D, Fig.1I1; col.19, lines 9-15; note that the communications (in the nominal form of request and response – see also steps in Fig.3A) between the synchronization module and a designated provider (e.g., 128A) must occur in order to form the instructions needed for updating the client's data];

4) modifying the synchronization state based on the server response and the client request [172E – 172F, Fig.1I1;];

5) creating a client response based on the server response; and 6) sending the client response to the mobile device [170I-170J, Fig.1H2].

6. As to claims 2-3, Kloba further teaches that the client request includes a sync key [i.e., the data marker] that updates to a pre-determined value each time the client request for the synchronization session is successful, the synchronization state includes

a last sync key and determining whether the prior synchronization session failed comprises comparing the sync key in the client request with the last sync key, wherein the prior synchronization session is determined to have failed if the sync key in the client request is one less than the last sync key [col.18, lines 10-67].

7. As to claims 4-5, Kloba further teaches that the client request includes a manifest comprising changes to a mobile data store after a prior successful synchronization session [col.19, lines 37-53; 306-310, Fig.3A; note that the updated information must have included an action addition or deletion (which constitutes a client's update manifest as defined in Applicant's specification) because the client only sends delta information to the synchronization module], wherein the changes include changes from a prior manifest associated with the synchronization session that failed.

8. As to claim 12, Kloba further teaches that the synchronization state includes a last manifest associated with a manifest in the client request for the prior synchronization session that lists changes to a mobile data store after a prior successful synchronization session, a watermark identifying a state within a server store at which the server has synchronized the server store, a prior watermark which identifies a prior state of the watermark [Fig.4B; col.25, lines 11-30].

9. As to claims 19 and 21-22, since the features of these claims can also be found in claims 1-5 and 12, they are rejected for the same reasons set forth in the rejection of claims 1-5 and 12 above.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 6-11, 13-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kloba et al.(hereafter "Kloba")[U.S. Pat. No. 6341316], as applied to claims 1-5, 12, 19 and 21-22 above.

12. As to claim 6, Kloba does not specifically teach the server request includes an update manifest, the update manifest comprises one or more objects and an update action associated with each of the one or more objects, the update action being based on the client request and the synchronization state.

However, based on the fact that because the client only sends delta information to the synchronization module [col.19, lines 37-53; 306-310, Fig.3A] and that the data stored at the synchronization module needs also be synchronized with the content

provider (or database) [col.19, line 54 – col.20, line 3], it is obvious that similar delta information (or more specifically, an update manifest) could be formed between the synchronization module and the content providers because by doing so traffic between the synchronization module and the providers would be significantly reduced.

13. As to claims 7-11, Kloba further teaches that the client request includes a manifest and at least one of the one or more objects in the update manifest does not have a corresponding object in the manifest of the client request [note that, by default, this must be true otherwise there would be no need for synchronizing the deltas from client with the content providers],

wherein, based on a current action specified in the client request and a last action specified in the synchronization state, the update action can be identical to the current action [i.e., when the previous synchronization was successful], or identical to the last action [i.e., when the previous synchronization failed], or different than the current action and the last action [e.g., synchronization module may determine that no action is needed because the relevant objects are identical at both ends].

14. As to claims 13 and 18, Kloba does not specifically teach storing the synchronization state to a non-volatile storage media or a directory associated with the synchronization component. However, given the fact that Kloba's state information is flexible list of concerned factors [col.23, line 63 – col.24, line 29], it is obvious to store the state information in a non-volatile storage media because it is more economical to

save a large amount of items in a disk than in a main memory. Further, it is also obvious to store the synchronization state in a directory associated with the synchronization component because a directory-based storage facilitates retrieval of the state information associated with the component.

15. As to claims 14-17 and 20, since the features of these claims can also be found in claims 1-13 and 18-19, they are rejected for the same reasons set forth in the rejection of claims 1-13 and 18-19 above.

16. Applicant's arguments filed on 12/3/2004 for claims 1-22 have been fully considered but they are not deemed to be persuasive.

17. Applicant argues in the remarks that Kloba does not specifically teach the added feature: (i) "duplicate objects are not created in the server when the mobile device and the server become synchronized; and (ii) the server is configured to exclude changes provided in the first synchronization session that were previously updated.

18. Examiner respectfully disagrees with applicant's remarks because both stated features are inherent to Kloba's system when the data store at the server and its corresponding data store at the device are synchronized.

19. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

20. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Examiner note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the contest of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969. The examiner can normally be reached on Monday-Friday (8:00-5:00) . If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(571)273-8300 for official communications; and
(571)273-3969 for status inquires draft communication.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin
August 2, 2005

Wen-Tai Lin
8/2/2005